

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MELANIE GILMORE,**

**Plaintiff,**

**v.**

**Case No.: 8:21-cv-2497-CEH-AAS**

**STERLING RIDGE ORTHOPAEDICS  
AND SPORTS MEDICINE, PLLC; and  
FBCS, INC.,**

**Defendants.**

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**ORDER**

Defendant FBCS, Inc. requests that the court vacate the entry of clerk's default entered against it. (Doc. 12). This request is unopposed. (*Id.* at p. 10).

On October 25, 2021, Plaintiff Melanie Gilmore sued FBCS, amongst others, and the clerk issued the summons. (Doc. 6). On October 29, 2021, a process server served FBCS with the complaint and summons. (Doc. 9). FBCS failed to timely respond to the complaint. The plaintiff successfully moved for clerk's default against FBCS under Federal Rule of Civil Procedure 55(a). (Docs. 10, 11). After learning of the default, FBCS's counsel appeared and moved to vacate the clerk's default. (Doc. 12).

A court may set aside entry of a clerk's default for good cause. Fed. R.

Civ. P. 55(c). “Good cause” under Rule 55(c) is a liberal standard. *Sherrard v. Macy’s Sys. and Tech., Inc.*, 724 F. App’x 736, 738 (11th Cir. 2018) (quotation and citation omitted); *see also Jones v. Harell*, 858 F.2d 667, 668–69 (11th Cir. 1988) (affirming the district court’s holding that “a bare minimum showing” will justify relief under Rule 55(c)). If a party willfully defaults by displaying either an intentional or reckless disregard for the judicial proceedings, a court may decline to set aside a clerk’s default. *Burgos v. Valleycrest Golf Course Maintenance*, No. 2:10-cv-194-FtM-29SPC, 2010 WL 2243805, at \*1 (M.D. Fla. June 4, 2010).

FBCS’s failure to timely respond to the complaint is neither willful nor constitutes a reckless disregard for the judicial process. Setting aside the default would not prejudice the plaintiff. Good cause exists to set aside the clerk’s default against FBCS.

Accordingly, FBCS’s motion to vacate clerk’s entry of default (Doc. 12) is **GRANTED**. Due to the upcoming holidays, FBCS may have until **January 8, 2021**, to respond to the complaint.

**ORDERED** in Tampa, Florida on December 15, 2021.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge